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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,183	04/18/2001	Charles A. Sellers	COMP:0210	1203

7590 10/22/2003
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EXAMINER

VORTMAN, ANATOLY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,183

Applicant(s)

SELLERS, CHARLES A.

Examiner

Anatoly Vortman

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10 and 14-23 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Amendments

1. By amendment filed on 08/25/03, the Applicant has amended independent claims 1 and 10, and dependent claims 3-8 and 11-16. Claim 18 has been cancelled by previous amendment. New claims 22 and 23 have been added. Thus, claims 1-17 and 19-23 are pending in the instant application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10-17 and 19-23, are rejected under 35 U.S.C. 102(b) as being anticipated by US/4,781,422 to Kimble.

Regarding claims 10 and 14, Kimble disclosed (Fig. 1-3) a clutch assembly (29) for pivotably securing a computer display (14-16) to a computer base (11), comprising:

a hinge (Fig. 3) adapted to enable the computer display (14) to pivot relative to the computer base unit (11); a friction clutch (29) coupled to the hinge, the friction clutch producing a force to oppose pivotal motion of the display (14); and a mechanically operated clutch operator

(75, 85) selectively switchable to produce a counterforce to the force produced by the friction clutch (29) to prevent the friction clutch (29) from opposing pivotal motion of the display (14).

Regarding claims 15 and 16, Kimble disclosed a biased (by spring (80)) movable member (85), the movable member (85) being manually operable to mechanically operate the clutch operator (75), wherein the clutch operator (75) does not prevent the friction clutch (29) from opposing pivotal motion of the display (14).

Regarding claims 17 and 19-21, the structure as disclosed by Kimble inherits all of the method steps as recited in the claims and may be operated by a user utilizing all of said steps.

Regarding claims 22 and 23, Kimble disclosed (Fig. 1-3) a computer assembly, comprising; a hinge assembly (Fig. 3) to enable a display (14) to pivot relatively to a computer base (11); a clutch assembly (29) selectively operable to produce a friction force to oppose pivotal motion of the display (14) relative to the computer base (11); and an actuator (75) selectively movable between a first position and a second position to control operation of the clutch assembly (29), wherein the actuator (75) enables the clutch assembly (29) to produce the frictional force to oppose pivotal motion of the display (14) when the actuator (75) is disposed in the first position, and the actuator prevents the clutch assembly (29) from producing the frictional force when the actuator (75) is disposed in the second position, wherein a spring (80) biases the actuator (75) to the first position.

Response to Arguments

4. Applicant's arguments have been considered but they are not persuasive.

Regarding claims 10-16, contrary to the Applicants position, the Examiner would like to direct the Applicant's attention to the fact that the clutch operator (75) may be considered "switchable", when turned a fraction of a turn. Also, said operator (75) does produce "a counter-force to oppose the force...opposing pivotal motion of the display". Indeed, when said operator (75) is turned to release the display for pivoting it contributes to creation of the force, which releases the clutch (the clutch produces the force which opposes the pivotal motion of the display).

Regarding claims 1-9, the arguments are moot due to the allowance of the claims.

Allowable Subject Matter

5. Claims 1-9 allowed.

Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: regarding claims 1-9, claim 1 as amended recites "a switch coupled to the positioning assembly...causes (emphasis added) the positioning assembly to be in the first position" or "second position".

Regarding claims 11-13, claim 11 recites: "the clutch operator is electrically operated".

The aforementioned limitations in combination with all remaining limitations of the respective claims, are believed to render the aforementioned claims patentable over the art of record.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824. The examiner can normally be reached on 9:30-6:00, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for

Application/Control Number: 09/837,183

Page 6

Art Unit: 2835

the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A.V.
October 17, 2003

A handwritten signature in dark ink, appearing to read 'A. Vortman', followed by a horizontal line.

Anatoly Vortman
Primary Examiner
Art Unit 2835